

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

SB 1337 - HB 1547

March 31, 2021

SUMMARY OF ORIGINAL BILL: Prohibits the Department of Children's Services (DCS) from requiring an individual or members of an individual's household to undergo an immunization as a condition of adopting a child or overseeing a child in foster care if the individual provides to DCS written notice that the individual objects to the immunization on religious grounds, or written certification from a physician that the immunization is or may be detrimental to the individual's health.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Passage of the proposed legislation could jeopardize a portion or all of recurring federal Title IV-E funding.

SUMMARY OF AMENDMENT (006387): Deletes and rewrites all language after the enacting clause. Prohibits DCS from requiring an individual or members of an individual's household to undergo an immunization as a condition of adopting a child or overseeing a child in foster care unless the child is under 18 months of age or has significant documented medical needs that would necessitate the caregiver or members of the caregiver's household being immunized.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On March 30, 2021, a fiscal memorandum was issued with the following estimated fiscal impact:

Unchanged from the original fiscal note.

Based on new information provided by the Department of Children's Services, the fiscal impact was determined to be in error. As a result, the estimated fiscal impact for the bill as amended has been corrected as follows:

(CORRECTED)

NOT SIGNIFICANT

Corrected Assumptions for the bill as amended:

- Based on information provided by DCS, the proposed legislation is not expected to increase state expenditures for the Department; any fiscal impact is estimated to be not significant.
- DCS adheres to the national model foster family home licensing standards provided by the federal Administration for Children and Families (ACF), which is the agency governing compliance of federal Title IV-E funds.
- ACF guidelines require:
 - All children who are household members be up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP), unless the immunization is contrary to the child's health as documented by a licensed health care professional;
 - All household members who will be caregivers of infants have an up-to-date whooping cough vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional; and
 - All household members who will be caregivers of infants and children with special medical needs have an up-to-date annual influenza vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.'
- As a result, DCS has a policy of not placing children under the age of five with any foster family whose members object to federally required immunizations.
- Pursuant to § 471(a)(36) of the Family First Prevention Services Act, by April 1, 2019, Title IV-E agencies are required to provide the U.S. Department of Health and Human Services (DHHS) information about whether the state's licensing standards are consistent with the model licensing standards identified by DHHS and if not, provide specific and detailed information regarding the reason for the deviation.
- The proposed legislation allows for immunization requirements for the placement of children under the age of 18 months which DCS believes is compliant with federal requirements.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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